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## Department of Energy

ROCKY FLATS OFFICE  
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GOLDEN COLORADO 80402-0928

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OCT 26 1992

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ROCKY FLATS OFFICE  
CORRESPONDENCE

## ACTION

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BENJAMIN A		
BERMAN, H S		
CARNIVAL, G J		
COPP, B D		
CORDOVA, R C		
DAVIS, J G		
FERRERA, D W		
HANNI, B J		
HEALY, T J		
HILBIG, J G		
IDEKER, E H		
KERSH, J M		
KIRBY, W A		
KUESTER, A W		
LEE, E M		
MANN, H P		
MARX, G E		
McKENNA, F G		
MONTROSE, J K		
MORGAN, R V		
PIZZUTO, V M		
POTTER, G L		
RILEY, J H		
SANDLIN, N B		
SATTERWHITE, D G		
SCHUBERT, A L		
SHEPLER, R L		
SULLIVAN, M T		
SWANSON, E R		
WHITE, B L		
WILKINSON, R B		
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Mr Martin Hestmark  
U S Environmental Protection Agency, Region VIII  
ATTN Rocky Flats Project Manager, 8HWM-RI  
999 18th Street, Suite 500, 8WM-C  
Denver, Colorado 80202-2405

Mr Gary Baughman  
Hazardous Waste Facilities Unit Leader  
Colorado Department of Health  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530

Gentlemen

The minutes from our meeting on October 6th are enclosed for your review. As indicated by the notes, there were several significant topics of discussion that related to the performance of the program. DOE believes this introductory dialogue was essential and overdue. Your participation in these discussions is appreciated.

DOE is convinced that resolution of the issues is paramount to ensure all parties of the successful remediation efforts at RFP. Considerable time and effort will be required by all parties for resolution. DOE recommends a second meeting to discuss in further detail the "Face the Facts" schedules, flowcharts, crosswalks and assumptions. We believe an understanding of this information should precede any detailed discussions of the issues as presented on October 6th.

DOE would like to schedule a follow-up meeting on November 10th at 1 00 p m at Interlocken to discuss the "Face the Facts" schedules, flowcharts, crosswalks and assumptions for two typical OUs. Operable Unit 5 as representative of the CERCLA process and Operable Unit 7 as a typical RCRA OU. Our intent is to devote the entire meeting to developing an understanding and potential agreement of the current program. A proposed agenda for the meeting is enclosed.

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Reviewed for Addressee  
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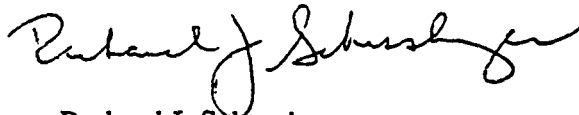
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Subsequent to that meeting, DOE would like to request input from the State and EPA towards the resolution of the outstanding issues, proposals and projected schedules. The "Face the Facts" schedule is not DOE's desire for the program, however, we believe it reflects the current status. Agency input will be useful in developing program schedules that reflect our consensus best efforts to provide a cost effective technically sound and efficient remediation program at RFP. Please call me at 966-4888, if you have any questions.

Sincerely,



Richard J. Schassburger  
Acting Director  
Environmental Restoration Division

Enclosure

cc w/Enclosure  
R. Faron, GC-11  
J. Sanderson, EH-222  
A. Rampertaap, EM-453  
M. Roy, OCC, RFO  
M. Arndt, EG&G  
L. Johnson, EPA  
P. Ornstein, EPA  
J. Schieffelin, CDH  
B. Camerson, AG  
S. O'Brien, Stoller  
P. Bunge, E&EM

## MINUTES OF DISCUSSIONS WITH THE STATE AND EPA ON OCTOBER 6, 1992

DOE indicated a desire to keep the discussions open and free flowing. The initial discussions were for an exchange of information which reduce the need for posturing. DOE noted that the "Face the Facts" schedules which had been provided to EPA and the State do not reflect DOE's desire for the program, but instead the current state of the program as it has evolved and has been directed. EPA and the State expressed a desire for DOE to explain the factors that have affected the IAG schedules and the requirements for any changes. The principal factors were specified to be the procurement process, the analytical capabilities, the DOE review cycles, the Safety Analysis Review requirements, and funding.

The initial issue discussed was the DOE procurement process. DOE indicated that the Basic Ordering Agreement (BOA) process had been replaced by a Master Task Subcontract (MTS) process. This MTS system reflects the most expeditious manner for DOE and its M&O contractor to procure services. This system still requires more time than was allotted in the original IAG assumptions. The EPA expressed concerns over the Organizational Conflict of Interest (OCI) issue that has been raised at RFP. EPA felt that the Subcontractor responsible for the development of an RFI/RI Work Plan should not be excluded from consideration for the execution of the work, as there were many Work Plan reviews by DOE and the agencies which should preclude the subcontractor "padding or slanting" the plan. EPA stated that a commitment was made during the OU8 dispute resolution by DOE to resolve the dispute resolution issue. EPA requested a written response of DOE's position on EG&G's interpretation of DOE procurement policies and procedures.

During the ensuing discussion on the analytical capabilities at RFP, EPA and the State inquired as to why the RFI/RI fieldwork contractors are not responsible for the supervision and performance of the labs. EG&G indicated that this would not provide any relief because the problem was a shortage of laboratory capacity. The current management practice also provides direct QA by EG&G. The State asked DOE to explore the possibility of enticing the existing labs without soils capability to develop soil capabilities prior to establishing a "new" contract lab for RFP. EPA inquired as to DOE's potential to offer incentives to the laboratories for guaranteed turnaround times. DOE plans to explore the issue and requested EPA to provide model language for any incentives that EPA is using or has used.

DOE indicated that the Solar Ponds Project was over budget and behind schedule and that DOE was assessing the project. The Pondcrete process was never intended to be operated during winter, therefore, the design did not include winterization. The process will not be in operation this winter. EPA indicated that they intended to issue an NOV for the June 15 milestone to begin full-scale operations of the treatment and storage systems. DOE indicated that there was considerable concern regarding the status of shipping the pondcrete to NTS. The Waste Acceptance Criteria for NTS have not yet been established, and as a result, the Pondcrete requirements are unknown. The State is not in favor of regulating the Solar Pond Project under the IAG.

DOE informed the State and EPA of DOE's decision to include all environmental work in the context of a nuclear facility. This policy requires a Safety Analysis Review for all fieldwork. The current time frame for a SAR at RFP is approximately two years. However, DOE indicated that DOE was attempting to develop a "graded" SAR process for environmental projects that would greatly reduce the time and cost. The "Face the Facts" schedules have included critical-path times for the SARs. A 60-day duration was adopted for RI/RFI related SARs and a 9-month duration was adopted for any engineered system. Both the State and EPA objected to the requirement for SARs for environmental remediation projects. However, this action is a result of a DOE management directive. DOE indicated that this requirement will remain for the foreseeable future. DOE/RFO will continue to attempt to influence the type and extent of the SARs.

The Protected Area IRAP was discussed. Both the State and EPA expressed concerns as to the indefinite period of time the PA IRAP concept would delay work in the PA. DOE indicated that a definitive schedule for D&D will not be available for a considerable period of time. To address this issue in the time frame of these discussions, an artificial negotiated time frame would be the only mechanism for providing a fixed time frame. EG&G indicated that there exists considerable safety and security risk with the proposed work within the Industrial Area.

EPA is concerned that DOE has not yet provided adequate substantiation of its request for FY92 and FY93 funding from Congress. EPA maintains that its decision on the lack of funds to meet the current IAG milestones is predicated on DOE's proof of its request to Congress.

In the discussion of other issues, EPA and the State are concerned with DOE's proposed approach to the RFP risk assessment. All parties agreed that further discussion was merited.

EPA adamantly opposed any type of flexible milestone scheduling.

At the next meeting, the details of the schedule information provided to the State and EPA in August would be discussed.

The following action items were agreed to:

- 1 DOE will explore the commitment to resolve the OCI issue and the current status.
- 2 DOE will provide EPA with a position paper on DOE's assessment of EG&G's interpretation and implementation of DOE procurement policies and procedures.
- 3 DOE-HQ will provide EPA and the State with the status of the DOE-HQ Lab Working Group.
- 4 EG&G will explore the potential of providing contract incentives to the labs for performance.
- 5 EPA will research and report to DOE any incentives that EPA has successfully used for lab performance.
- 6 DOE will provide EPA with copies of DOE Orders 4700 1, 5480 23, and 5420 12.
- 7 DOE will provide specific scope changes for each OU.